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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE COURTHOUSE

16 U.S. EQUAL EMPLOYMENT
 17 OPPORTUNITY COMMISSION,

18 Applicant,

19 v.

20 D'ARRIGO BROS. CO., OF CALIFORNIA,
 21 Respondent.

Case No.: CV 14 80266 MISC BLF PSG

STIPULATION AND ORDER TO
 RECALENDAR HEARING ON EEOC'S
 APPLICATION TO ENFORCE
 ADMINISTRATIVE SUBPOENA AND
 TO SET HEARING ON
 RESPONDENT'S MOTION TO
 QUASH OR MODIFY
 ADMINISTRATIVE SUBPOENAS

22 It is **HEREBY STIPULATED** by and between the parties through their respective counsel
 23 of record, as follows:

- 24 1. Applicant, Equal Opportunity Employment Commission ("EEOC") filed with this Court
 25 a Certificate of Service indicating that on September 23, 2014 it had served Respondent,
 26 D'Arrigo Bros. Co. of California ("Respondent") by mail to its designated agent for
 27 service of process and to its counsel, Cook Brown, LLP, with a Notice of Hearing
 28 advising that a hearing on the EEOC's Application for Enforcement of Administrative
 Subpoena would be held on October 28, 2014 at 10:00 a.m. in Courtroom 5 of the United

STIPULATION TO RECALENDAR HEARING ON EEOC APPLICATION FOR ENFORCEMENT
 (CV 14 80266 MISC BLF PSG)

Filed by Fax

1 States District Court, Northern District of California, San Jose Courthouse. Neither
2 Respondent's designated agent for service of process nor its counsel ever received said
3 Notice of Hearing.

4 2. On October 8, 2014, counsel for Respondent inadvertently learned of the October 28,
5 2014 hearing date when counsel contacted the Court Clerk with respect to Respondent's
6 prospective filing of a Motion to Quash or Modify Administrative Subpoenas.

7 3. On October 9, 2014, counsel for Respondent contacted counsel for the EEOC and
8 advised counsel for the EEOC that neither Respondent's designated agent for service of
9 process nor Respondent's counsel had received the Notice of Hearing. Counsel for the
10 EEOC agreed to provide the Notice of Hearing to counsel for Respondent via electronic
11 mail.

12 4. On October 9, 2014, counsel for Respondent advised counsel for the EEOC that
13 Respondent would be filing a Motion to Quash or Modify Administrative Subpoenas in
14 this matter and intended to set said Motion for hearing on December 2, 2014.

15 5. Due to the lack of timely Notice to Respondent and its counsel of the October 28, 2014
16 hearing date on the EEOC's Application, it is agreed that the October 28, 2014 hearing
17 on EEOC's Application to Enforce Administrative Subpoena is vacated and shall be
18 recalendared, to be heard concurrently with Respondent's Motion to Quash or Modify
19 Subpoenas.

20 6. Respondent's Motion to Quash or Modify Administrative Subpoenas and the EEOC's
21 Application to Enforce Administrative Subpoena shall be heard concurrently on
22 December 2, 2014 at 10:00 a.m. in Courtroom 5 of the United States District Court,
23 Northern District of California, San Jose Courthouse.

24 7. Respondent shall file and serve its Motion to Quash or Modify Administrative
25 Subpoenas in accordance with applicable Local Rules.

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1 8. Respondent shall have until October 24, 2014 to file its Response and Opposition to the
2 EEOC's Application to Enforce Administrative Subpoena.
3

4 IT IS SO STIPULATED.
5

6 DATED: October 9 2014

COOK BROWN, LLP

7
8 By: 

9 GEOFFREY F. GEGA, ESQ.
10 Attorneys for Respondent
11 D'ARRIGO BROS. CO., OF CALIFORNIA
12

13 DATED: October 3, 2014


U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

14
15 By: 

16 JONATHAN T. PECK, ESQ.
17 PETER F. LAURA, ESQ.
18 Attorneys for Applicant
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20 PURSUANT TO STIPULATION, IT IS SO ORDERED.
21

22 DATED: October 14, 2014


23 HON. PAUL S. GREWAL
24 United States District Court
25 Magistrate Judge
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STIPULATION TO RECALENDAR HEARING ON EEOC APPLICATION FOR ENFORCEMENT
(CV 14 80266 MISC BLF PSC)